

Message Text

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62

ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 SSO-00 RSC-01 L-02 INR-07 INRE-00

SS-15 /045 R

DRAFTED BY EB/TT:JSMEADOWS:MM

APPROVED BY EB:TOENDERS

EUR/WE:WMARSH

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE IMMEDIATE

INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L STATE 012598

STADIS////////////////////////////////////

BRUSSELS FOR MR. WALDMANN

E.O. 11652: G S

TAGS: IR, NL

SUBJECT: CIV AIR KLM FILINGS

REF: STATE 10049

1. DUTCH EMBASSY MINISTER AND CIVIL AIR ATTACHE CALLED ON ASSISTANT SECRETARY ENDERS TODAY TO REGISTER POSITION IN REGARD TO KLM FILING QUESTION. MINISTER READ FROM LETTER WHICH HE SAID AMBASSADOR GOULD HAD WRITTEN TO MINISTER OF TRANSPORTATION PROVIDING ASSURANCES CONTAINED REF TEL. MINISTER WENT ON TO STATE THAT KLM REGARDED FILING QUESTION AS HAVING GREAT SIGNIFICANCE FOR KLM'S WELFARE BECAUSE OF THE POTENTIAL CONTROL IT WOULD GIVE CAB OVER KLM'S OPERATIONS.

2. IN CONSIDERING THIS SITUATION MINISTER OF TRANSPORTATION HAD CONCLUDED THAT IT WOULD NOT BE DESIRABLE OR APPROPRIATE FOR KLM TO CONFORM TO CAB ORDER ON FILING UNTIL ALL NEGOTIATING CHANNELS HAD BEEN EXHAUSTED. THE PURPOSE OF THE MINISTER'S VISIT WAS TO CONVEY TO DEPARTMENT DUTCH
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VIEW THAT NEGOTIATING CHANNELS INCLUDED ARBITRATION UNDER

ARTICLE 13 OF BILATERAL AIR AGREEMENT.

3. ENDERS POINTED OUT THAT IT WOULD BE DIFFICULT TO
CONSTRUE SECRETARY'S COMMITMENT AS COVERING THIS POSITION.
ENDERS SHOWED MINISTER COPY OF SECRETARY'S LETTER OF
JANUARY 14 TO FOREIGN MINISTER VAN DER STOEL IN WHICH HE

EXPLAINED THAT HIS COMMITMENT DID NOT REFER TO PRO-
CEDURAL QUESTIONS SUCH AS KLM FILING WHICH IN ANY EVENT
WAS NOT SUBJECT TO HIS CONTROL. ENDERS ALSO EMPHASIZED
THAT CAB DID NOT REQUIRE KLM FILING IN ORDER TO PROCEED
TO TAKE ACTION AGAINST KLM UNDER STEP 2 OF PART 213. CAB
COULD SIMPLY TAKE NOTE OF CURRENT KLM OPERATIONS AND
PROCEED AGAINST THOSE AS IF THEY HAD BEEN FILED. HOWEVER,
CAB WAS MOVING TO ENFORCEMENT ACTION AGAINST KLM FOR
REFUSING TO CONFORM TO LEGAL CAB ORDER. SUCH ENFORCEMENT
ACTION COULD LEAD TO FINES UP TO \$1,000 PER DAY PER
VIOLATION. THE DEPARTMENT'S URGINGS TO GON TO HAVE KLM
COMPLY WAS PRIMARILY DIRECTED TO AVOIDING THE ADVERSE
IMPACT ON US/DUTCH NEGOTIATIONS OF CAB ENFORCEMENT
ACTION AND FINES.

4. ENDERS PROMISED DUTCH MINISTER THAT WE WOULD CONSIDER
MATTER FURTHER AND REPLY SOONEST. WOULD APPRECIATE
EMBASSY COMMENTS ON ABOVE. KISSINGER

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Message Attributes

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Copy: SINGLE
Draft Date: 18 JAN 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
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Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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Disposition Reason:
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Drafter: JSMEADOWS:MM
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Margaret P. Grafeld
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